

Message Text

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TO AMEMBASSY LAGOS

C O N F I D E N T I A L STATE 061630

E.O. 11652: GDS

TAGS: PFOR, NI, US, BDIS, EINV

SUBJECT: PROCEDURES WITH REGARD TO LOCKHEED
FOLLOWING IS DEPARTMENT OF JUSTICE DRAFT. BEGIN QUOTE
PROCEDURES FOR MUTUAL ASSISTANCE BETWEEN LAW ENFORCEMENT
AGENCIES OF THE UNITED STATES AND BLANK IN CONNECTION WITH
THE LOCKHEED CORPORATION

THE UNITED STATES DEPARTMENT OF JUSTICE AND THE BLANK
(QUOTE THE PARTIES UNQUOTE) CONFIRM THE FOLLOWING PRO-
CEDURES IN REGARD TO MUTUAL ASSISTANCE TO BE RENDERED
TO AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITY IN THEIR
RESPECTIVE COUNTRIES IN CIVIL, CRIMINAL AND ADMINISTRATIVE
MATTERS RELATING TO ALLEGED ILLICIT SALES ACTIVITIES IN
BLANK OF THE LOCKHEED CORPORATION AND ITS SUBSIDIARIES OR
AFFILIATES:

1. ALL REQUESTS FOR ASSISTANCE BY BLANK AGENCIES WITH LAW
ENFORCEMENT RESPONSIBILITIES SHALL, UNLESS OTHERWISE
AGREED, BE TRANSMITTED THROUGH THE DIPLOMATIC CHANNEL TO
THE OFFICE OF BLANK IN THE UNITED STATES DEPARTMENT OF
JUSTICE, AND ALL REQUESTS FOR ASSISTANCE BY UNITED STATES
AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES SHALL BE
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TRANSMITTED THROUGH THE DIPLOMATIC CHANNEL TO THE BLANK.

2. UPON REQUEST, THE PARTIES SHALL USE THEIR BEST EFFORTS TO MAKE AVAILABLE TO EACH OTHER RELEVANT AND MATERIAL INFORMATION (SUCH AS STATEMENTS, DEPOSITION, DOCUMENTS, BUSINESS RECORDS, CORRESPONDENCE AND OTHER MATERIALS) AVAILABLE TO THEM RELATING TO ALLEGED ILLICIT SALES ACTIVITIES IN BLANK OF THE LOCKHEED CORPORATION AND ITS SUBSIDIARIES OR AFFILIATES. SUCH INFORMATION SHALL BE USED EXCLUSIVELY FOR PURPOSES OF INVESTIGATION CONDUCTED BY AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES IN THE REQUESTING COUNTRY AND ANY ENSUING CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDINGS.

3. ALL SUCH INFORMATION MADE AVAILABLE BY THE PARTIES PURSUANT TO THESE PROCEDURES, AND ALL CORRESPONDENCE BETWEEN THE PARTIES RELATING TO SUCH INFORMATION AND TO THE IMPLEMENTATION OF THESE PROCEDURES, SHALL BE KEPT CONFIDENTIAL DURING THE INVESTIGATIVE STAGES AND SHALL NOT BE DISCLOSED TO THIRD PARTIES OR TO GOVERNMENT AGENCIES HAVING NO LAW ENFORCEMENT RESPONSIBILITIES. DISCLOSURE TO OTHER AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES SHALL BE CONDITIONED ON THE RECIPIENT AGENCY'S ACCEPTANCE OF THE TERMS SET FORTH HEREIN. IN THE EVENT OF BREACH OF CONFIDENTIALITY, THE OTHER PARTY MAY DISCONTINUE COOPERATION UNDER THESE PROCEDURES.

4. INFORMATION MADE AVAILABLE PURSUANT TO THESE PROCEDURES MAY BE USED FREELY IN ANY ENSUING CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDING IN THE REQUESTING STATE IN WHICH AN AGENCY OF THE REQUESTING STATE IS A PARTY, AND THE PARTIES SHALL USE THEIR BEST EFFORTS TO FURNISH THE INFORMATION FOR PURPOSES OF TRIAL OR OTHER LEGAL PROCEEDING IN SUCH FORM AS TO RENDER IT ADMISSIBLE PURSUANT TO THE RULES OF EVIDENCE IN EXISTENCE IN THE REQUESTING STATE (INCLUDING, BUT NOT LIMITED TO, CERTIFICATIONS, AUTHENTICATIONS, AND THE FURNISHING OF WITNESSES TO PROVIDE THE FOUNDATION FOR THE ADMISSIBILITY OF EVIDENCE).

5. THE PARTIES SHALL GIVE ADVANCE NOTICE AND AFFORD AN OPPORTUNITY FOR CONSULTATION PRIOR TO THE INSTITUTION OF CONFIDENTIAL

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LEGAL PROCEEDINGS IN WHICH INFORMATION MADE AVAILABLE PRUSUANT TO THESE PROCEDURES IS INTENDED TO BE USED.

6. UPON REQUEST, THE PARTIES AGREE TO PERMIT THE INTERVIEWING OF PERSONS IN THEIR RESPECTIVE COUNTRIES BY LAW ENFORCEMENT OFFICIALS OF THE OTHER PARTY, PROVIDED ADVANCE NOTICE IS GIVEN OF THE IDENTITY OF THE PERSONS TO BE INTERVIEWED AND OF THE PLACE OF THE INTERVIEW.

REPRESENTATIVES OF THE OTHER PARTY MAY BE PRESENT AT SUCH INTERVIEWS. THE PARTIES WILL ASSIST EACH OTHER IN

ARRANGING FOR SUCH INTERVIEWS AND WILL PERMIT THE TAKING OF TESTIMONY OR STATEMENTS OR THE PRODUCTION OF DOCUMENTS AND OTHER MATERIALS IN ACCORDANCE WITH THE PRACTICE OR PROCEDURE OF THE REQUESTING STATE. THE REQUESTING PARTY SHALL NOT PURSUE ITS REQUEST FOR AN INTERVIEW OR FOR THE PRODUCTION OF DOCUMENTS AND OTHER MATERIALS IF THE REQUESTED PARTY CONSIDERS THAT IT WOULD INTERFERE WITH AN ONGOING INVESTIGATION OR PROCEEDING BEING CONDUCTED BY THE AUTHORITIES OF THE REQUESTED PARTY.

7. THE PARTIES SHALL USE THEIR BEST EFFORTS TO ASSIST IN THE EXPEDITIOUS EXECUTION OF LETTERS ROGATORY ISSUED BY THE JUDICIAL AUTHORITIES OF THEIR RESPECTIVE COUNTRIES IN CONNECTION WITH ANY CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDINGS WHICH MAY ENSUE IN THEIR RESPECTIVE COUNTRIES.

8. THE ASSISTANCE TO BE RENDERED TO A REQUESTING STATE SHALL NOT BE REQUIRED TO EXTEND TO SUCH ACTS BY THE AUTHORITIES OF THE REQUESTED STATE AS MIGHT RESULT IN THE IMMUNIZATION OF ANY PERSON FROM PROSECUTION IN THE REQUESTED STATE.

9. ALL ACTIONS TO BE TAKEN BY A REQUESTED STATE WILL BE PERFORMED SUBJECT TO ALL LIMITATIONS IMPOSED BY ITS DOMESTIC LAW. EXECUTION OF A REQUEST FOR ASSISTANCE MAY BE POSTPONED OR DENIED IF EXECUTION WOULD INTERFERE WITH AN ONGOING INVESTIGATION OR LEGAL PROCEEDING IN THE REQUESTED STATE.

10. NOTHING CONTAINED HEREIN SHALL LIMIT THE RIGHTS OF CONFIDENTIAL

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THE PARTIES TO UTILIZE FOR ANY PURPOSE INFORMATION INDEPENDENTLY OBTAINED.

11. THE MUTUAL ASSISTANCE TO BE RENDERED BY THE PARTIES PURSUANT TO THESE PROCEDURES IS DESIGNED SOLELY FOR THE BENEFIT OF THEIR RESPECTIVE AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES, AND IS NOT INTENDED OR DESIGNED TO BENEFIT THIRD PARTIES OR TO AFFECT THE ADMISSIBILITY OF EVIDENCE IN THE COUNTRIES OF THE RESPECTIVE PARTIES. END QUOTE.

FOREGOING IS DRAFT OF PROCEDURES GOVERNING EXCHANGE OF INFORMATION BETWEEN DEPARTMENT OF JUSTICE AND EQUIVALENT AGENCY IN REQUESTING COUNTRY GIVEN AMBASSADOR SANU MARCH 12 IN MEETING REPORTED SEPTTEL.

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